

**Amendment.**

**No. 298.**

---

INTRODUCED BY MR. WHITE.

OCTOBER 14TH, 1878.

REFERRED TO COMMITTEE ON CORPORATIONS.

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IN RELATION TO CORPORATIONS OTHER THAN MUNICIPAL.

ARTICLE —.

SECTION 1. The Legislature shall provide by law for the election of a  
2 Board of Commissioners, to be known as "The Railroad and Harbor Commis-  
3 sioners."

SEC. 2. Three Commissioners shall constitute the Board, and they  
2 shall be elected by single districts, to hold their office for six years, except as  
3 hereinafter provided. The district shall be equal in population, or near as  
4 may be, and shall be numbered, beginning with the most southern one, one,  
5 two, and three.

SEC. 3. The Commissioners shall be elected on the same day with all  
2 other State officers, and inaugurated in like manner on the same day. The  
3 Commissioner of District Number One shall hold his office for two years;  
4 the Commissioner of District Number Two shall hold his office for four years;  
5 the Commissioner of District Number Three shall hold office for the full term  
6 of six years, and thence afterwards all their successors shall hold office for a

7 term of six years, except Commissioners elected to fill vacancies, and they  
8 shall only hold office for the unexpired part of the term of their predecessors.

SEC. 4. The duties of the Board of Harbor and Railroad Commis-  
2 sioners shall be as follows, subject to such alteration and change by the  
3 Legislature, from time to time, as may be found necessary for the public good:  
4 They shall perform all the duties now performed by the Board of State Har-  
5 bor Commissioners, and all the duties in relation to railroads that are assigned  
6 to them by this Constitution or by any enactment of the Legislature. The  
7 said Board of Commissioners shall receive an annual salary of three thousand  
8 dollars each, which shall be in full compensation for all services rendered.  
9 They shall be entitled to the services of one or two clerks, as the fulfillment  
10 of their duties may require. Such clerks shall not receive a higher compen-  
11 sation for their services than eighteen hundred dollars per annum.

SEC. 5. Railways heretofore constructed, or that may hereafter be con-  
2 structed in this State, are hereby declared public highways, and railroad  
3 companies common carriers.

SEC. 6. Any railroad corporation or association, organized for the  
2 purpose, shall have the right to construct and operate a railroad between any  
3 points within this State, and to connect at the State line with railroads of  
4 other States. Every railroad company shall have the right, with its road, to  
5 intersect, connect with, or cross any other railroad, and shall receive and  
6 transport each the other's passengers, tonnage, and cars, loaded or empty, with-  
7 out delay or discrimination.

SEC. 7. The exercise of the right of eminent domain shall never be  
2 abridged or so construed as to prevent the Legislature from taking the  
3 property and franchises of incorporated companies, and subjecting them to

4 public use, the same as the property of individuals; and the exercise of the  
5 police power of the State shall never be abridged or so construed as to permit  
6 corporations to conduct their business in such manner as to infringe the equal  
7 rights of individuals or the general well-being of the State.

SEC. 8. The Legislature shall pass no law for the benefit of a railroad  
2 or other corporations, or any individual or association of individuals, retro-  
3 spective in its operation, or which imposes on the people of any county or  
4 municipal subdivision of the State a new liability in respect to transactions  
5 or considerations already past.

SEC. 9. No railroad or other transportation company shall grant any  
2 free pass or ticket, or grant any pass or ticket at a discount, to any member of  
3 the Legislature, or any State, county, or municipal officer, and the acceptance  
4 of any such pass or ticket by a member of the Legislature, or by any such  
5 officer, shall be a forfeiture of his office, and he shall be subject to the pains  
6 and penalties of a bribe-taker.

SEC. 10. The rolling stock and all other movable property belonging  
2 to any railroad company or corporation in this State shall be considered per-  
3 sonal property, and shall be liable to execution and sale in the same manner  
4 as the personal property of individuals; and the Legislature shall pass no law  
5 exempting any such property from execution and sale.

SEC. 11. No law shall be passed by the Legislature granting the right  
2 to construct and operate a street railroad within any city, town, village, or on  
3 any public highway, without first acquiring the consent of the local authori-  
4 ties having control of the street or highway proposed to be occupied by such  
5 street railroad; and the franchise so granted shall not be transferred without  
6 similar assent first obtained.

SEC. 12. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 13. No president, director, officer, agent, or employe of any railroad company shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

SEC. 14. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount for the transportation of the same for a less distance than the amount charged for any greater distance.

SEC. 15. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of business, where transfers of stock shall be made, and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the said transfer of stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and shall report annually, under oath, to the Governor of the State, all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law.

SEC. 16. The Railroad Commissioners provided for in this Constitu-

2 tion shall have absolute power to fix the rates of fares and freights of all rail-  
3 roads in this State, and shall regulate and establish them as in their judgment  
4 shall seem just and fair to the railroad owners and to the public generally.

SEC. 17. Once in each year the Railroad Commissioners shall re-adjust  
2 the rates of fares and freights of all railroads in the State, and cause a printed  
3 schedule of such rates and fares to be properly framed and hung in a con-  
4 spicuous place at every railroad depot and every railroad station in the State.

SEC. 18. The Railroad Commissioners shall perform all duties in rela-  
2 tion to the railroads, other than those prescribed in the last two sections, as  
3 may be required of them by law.

SEC. 19. All railroad companies shall be responsible for all damages  
2 to life or property that may occur on their roads, through carelessness or any  
3 neglect whatever.

SEC. 20. The foregoing provisions in relation to railroad companies  
2 and corporations shall be enforced by appropriate legislation.

SEC. 21. Every chapter and section of an Act of the State Legislature,  
2 entitled "An Act to create the office of Commissioner of Transportation, and  
3 to define its powers and duties, to fix the maximum charges for transporting  
4 passengers and freights on certain railroads, and to prevent extortion and  
5 unjust discrimination thereon," approved April first, eighteen hundred and  
6 seventy-eight, except chapter three of said act, shall be null and void, and  
7 of no validity whatever from and after the adoption of this Constitution by  
8 the people of the State.

298  
Amendment 298  
In Relation to  
Corporations  
other than Municipal

Oct. ~~24~~ 48  
Ref. to Com on  
Corporations  
Geo. A. Thornton  
Sept. 29

Oct 30 48  
Reported back with  
substitute to H 44.  
and recommended that  
it be not adopted  
Thornton  
ass Rec

White  
White Corporations

In relation to Corporations  
other than Municipal  
Article

Sec 1. The Legislature shall provide by law for the election of a Board of Commissioners to be known as "The Rail Road and Harbor Commissioners."

Sec 2. These Commissioners shall constitute the Board, and they shall be elected by single districts to hold their office for six years, except as hereinafter provided. The district shall be equal in population or near as may be, and shall be numbered beginning with the most ~~southern~~ <sup>southern</sup> one, One, Two and Three.

Sec 3. The Commissioners shall be elected on the same day with all other state officers and inaugurated in like manner on the same day. The Commissioner of District No 1 shall hold his office for two years, The Commissioner of District No 2 shall hold his office for four years, The Commissioner of District No 3 shall hold office for the full term of six years, and thence afterwards all their Successors shall hold office for a term of six years, except Commissioners elected to

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fill vacancies and they shall only  
hold office for the unexpired part of  
the term of their predecessors

SEC. 4. The duties of the Board of Harbor and Railroad Commissioners shall be as follows, subject to such alteration and change by the Legislature from time as may be found necessary for the public good. They shall perform all the duties now performed by the Board of State Harbor Commissioners, and all the duties in relation to railroads that are assigned to them by this Constitution or by any enactment of the Legislature.

The said Board of Commissioners shall receive an annual salary of three thousand dollars each which shall be in full compensation for all services rendered. They shall be entitled to the services of one or two clerks as the fulfillment of their duties may require. Such clerks shall not receive a higher compensation for their services than eighteen hundred dollars per annum.

SEC. 5. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers.

SEC. 6. Any railroad corporation or association, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and

cars, loaded or empty, without delay or discrimination.

SEC. 7. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

SEC. 8. The Legislature shall pass no law for the benefit of a railroad or other corporations, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already past.

SEC. 9. No railroad or other transportation company shall grant any free pass or ticket, or grant any pass or ticket at a discount, to any member of the Legislature or any State, county or municipal officer, and the acceptance of any such pass or ticket by a member of the Legislature, or by any such officer, shall be a forfeiture of his office, and he shall be subject to the pains and penalties of a bribe-taker.



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SEC. 10. The rolling stock and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals; and the Legislature shall pass no law exempting any such property from execution and sale.

SEC. 11. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad;

and the franchises so granted shall not be transferred without similar assent first obtained.

SEC. 12. No railroad corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 13. No president, director, officer, agent or employe of any railroad company, shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 14. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount, for the transportation of the same, for a less distance than the amount charged for any greater distance.

SEC. 15. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of business, where transfers of stock shall be made and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid and by whom, the said transfer of stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The Directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and shall report annually, under oath, to the Governor of the State, all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law.

SEC. 16. The Railroad Commissioners provided for in this Constitution shall have absolute power to fix the rates of fares and freights of all railroads in this State, and shall regulate and establish them as in their judgment shall seem just and fair to the railroad owners and to the public generally.

SEC. 17. Once in each year the Railroad Commissioners shall re-adjust the rates of fares and freights of all railroads in the State, and cause a printed schedule of such rates and fares to be properly framed and hung in a conspicuous place at every railroad depot and every railroad station in the State.

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SEC. ~~8~~ 18 The Railroad Commissioners shall perform all duties in relation to the railroads, other than those prescribed in the last two sections, as may be required of them by law.

SEC. ~~9~~ 19 All railroad companies shall be responsible for all damages to life, or property, that may occur on their roads, through carelessness or any neglect whatever.

SEC. ~~10~~ 20 The foregoing provisions in relation to railroad companies and corporations, shall be enforced by appropriate legislation.

Sec 21 Every Chapter and Section of an Act of the State Legislature entitled "An Act to create the Office of Commissioners of Transportation and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain Railroads and to prevent extortion and unjust discrimination thereon" Approved April 14<sup>th</sup> 1898 except Chapter three of said Act, shall be null and void and of no validity whatever from and after the adoption of this Constitution by the people of the State,

Attest by  
Wm. H. White

299  
Amendment 299

In  
Relation to  
Executive Depart-  
ment

Act. 7214/78  
Refers to  
Committee  
on  
Executive Dept.  
Geo. A. Thornton  
Capt. Sea

For 2. of 6  
Repealed back with  
Substituted An. to 468  
Thornton  
Geo. A. Thornton

White  
white  
Attention

# In Relation

## EXECUTIVE DEPARTMENT.

"SEC. 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California."

SEC. 2. The Governor and all State and county officers shall be elected by the qualified electors of the State of California as in hereafter provided.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States, and an elector of the State of California for five years next preceding his election.

SEC. 4. The returns of the election of Governor and all State officers shall be sealed up and transmitted to the seat of Government directed to the President of the Senate who shall open and publish them in presence of the Senate. The person having the highest number of votes for each office shall be declared elected, but in case that any two or more persons shall be found to have an equal and the highest vote for the same office the Senate shall by vote choose one of said persons so having an equal and the highest number of votes for that office.

SEC. 5. The State Senate shall convene at the Capitol of the State on the second Monday after the first Tuesday in every January that is subsequent to a general election, for the purpose of opening the returns and declaring the result, as prescribed in the preceding section.

"SEC. 6. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State."

"SEC. 7. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices."

"SEC. 8. He shall see that the laws are faithfully executed."

"SEC. 9. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people."

"SEC. 10. He shall communicate, by message, to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient."

"SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature."

"SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor, or be eligible thereto."

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called "The Great Seal of the State of California."

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SEC. 14. All grants and commissions shall be in the name and by the authority of "The People of the State of California," sealed with the great seal of the State, signed by the Governor and countersigned by the Secretary of State.

SEC. 15. The Governor shall receive an annual salary of Five Thousand Dollars, to be paid at stated times as provided by law, which shall be in full for all services to be performed by him for the State, as Governor or in any other official capacity, and the Legislature shall have no power to grant him any extra compensation whatever for any ex officio service of any kind.

SEC. 16. In cases of impeachment of the Governor, his removal from office, death or inability to discharge the powers and duties of the said office, resignation or absence from the State, the power and duties of the office, with its emoluments, shall devolve upon the President of the Senate, or, in case there shall be no President of the Senate, or, if from any cause he be disqualified to act, then it shall devolve on the Speaker of the Assembly.

SEC. 17. A Secretary of State, a Treasurer, an Attorney General and a Secretary of Interior Affairs shall be elected at the same time and place and in the same manner as the Governor, and their qualification for office shall in all respects be similar to that of the Governor; they shall each receive an annual salary of Three Thousand Dollars, to be paid at stated times as provided by law, which annual salary shall be in full for all services to be rendered by them of every kind, name and nature as may be prescribed by law.

SEC. 18. The Secretary of State shall keep a fair record of the Executive Department of the government, and shall, when required, lay the same and all matters relative thereto before either branch of the Legislature, and shall perform all other duties as may be assigned to him by law, including many of those now performed by the Controller. The Secretary of Interior Affairs shall perform the duties now assigned to the Surveyor General and Registrar of the Land Office, and all other duties that may be assigned to him by law. The Treasurer shall take charge of all moneys belonging to the State in such manner as shall be directed by law. The Attorney General shall be the legal adviser of the Governor, and shall conduct the legal business of the State as may be prescribed by law.

SEC. 19. The first election for Governor, Secretary of State, Secretary of Interior Affairs, Treasurer, Attorney General and all State and county officers shall be on the first Wednesday in September, 1879; and they shall be qualified and enter on the discharge of their official duties on the second Monday after the first Tuesday in January, 1880, and their term of office shall extend to the second Monday after the first Tuesday in January, 1885.

The second election under this Constitution for State and county officers shall be on the first Tuesday after the first Monday in November, 1884, and all subsequent such elections shall be every four years therefrom.

34

SEC. 20. All State and county officers shall be inaugurated in office on the second Monday after the first Tuesday in January, subsequent to their election.

SEC. 21. The term of all State and county officers other than those of the Judiciary and county Supervisors shall be for the term of four years.

SEC. 22. When any office shall, from any cause, become vacant, and no rule is provided by the Constitution or laws for filling such vacancy, the Governor shall have power to fill such vacancy by appointment for the unexpired term or until the next general election.

SEC. 23. The Governor shall have power to grant, reprieve, or stay of execution of the sentences in all criminal cases after conviction, but no such reprieve or stay of execution shall extend beyond sixty days, except on a unanimous recommendation of the Board of Pardons, as in hereafter provided for.

SEC. 24. The Governor shall nominate, and by and with the advice and consent of the Senate (a majority of all the Senators elected concurring by yeas and nays), appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the Legislature, or by any legislative enactment.

SEC. 25. The Governor shall have power to remove any officer whom he may appoint, in case of incompetency, drunkenness or malfeasance in office, and to declare such office vacant, and to fill the same as is herein provided in other cases of vacancy.

SEC. 26. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter on no business except that for which they shall be called together.

SEC. 27. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the Senate.

SEC. 28. An account shall be kept by the officers of the Executive Department and of all the public institutions of the State, of all the money received or disbursed by them, severally, from all sources and for every service performed, and an annual report thereof, under oath, at the end of each fiscal year shall be made to the Governor, and any officer or State employee who makes a false report shall be guilty of perjury, and punished accordingly, and the Governor shall transmit all such reports to the Legislature at each of its regular sessions and at extra sessions whenever he may deem it for the public good to do so.

SEC. 29. The Governor may at any time require information in writing, under oath from all persons holding office under the State Government in any capacity whatever, upon any subject relating to the condition, management, receipts, expenses and disbursements of their respective offices.

SEC. 30. The Governor shall have unquestioned liberty at all times, either personally or by an expert, to examine the books and accounts of any person holding office under the State Government relating to the business of such office.

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SEC. 31. The Governor shall have the right to be present at any meeting that shall be held for the transaction of business by any board of commissioners created by the constitutional laws of this State for State administration purposes.

SEC. 32. The Governor shall have power to suspend any officer, other than those of the judiciary, holding position in any capacity under the State Government for incapacity, drunkenness, or inalfcasance in office, and fill the office by temporary appointments; but any officer so suspended, who shall have been elected by the people, shall receive from the Governor a written statement of the charges against him; and

he shall have, if he demand it, a speedy jury trial to determine the truth of the charge as set forth by the Governor, and if the jury in such a case shall find the Governor's charges true, the suspension shall be perpetual and the person suspended shall be fined One Thnousand Dollars, to go to the school fund, ad the Governor shall forthwith appoint a suitable person to fill the place as provided in all cases of vacancy, but if the jury shall find the Governor's charges not true, the person suspended shall forthwith be restored to his office without any reduction from its original emoluments.

SEC. 33. All civil officers, except members of the Legislature, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of——."

34 SEC. 22. For any reasonable cause which shall not be sufficient ground for impeachment the Governor may remove any Justice of the Supreme Court or any District Judge and retire them from office, provided that in all such cases three-fourths of the State Senate shall approve his doing so, in such manner as shall be prescribed by law.

Approved by  
Wm. H. White

Amendment 301

NE 301

Amendment to Section  
7 Article 11 of the  
Constitution relative  
to term of office when  
not provided for

Oct. 14/21

Report to Sec.  
Legislative Dept.  
Geo. A. Thurman  
Asst. Sec.

Nov 11. 48

Reported back with  
Substitute Am to 301

Thornton

and we

Legislative

Box  
Mr. Thompson



Amend Section Seven Article  
Eleven of the Constitution so as  
to read as follows:

Section Seven. When the  
duration of any office is not  
provided for by this Constitution  
it may be declared by law, and if  
not so declared, such office shall  
be held during the pleasure of the  
authority making the appointment.

When the duration of any office  
is fixed by this Constitution or any  
law under it, the incumbent shall  
be entitled to serve the full time  
he is commissioned to serve if he  
behaves himself.

302  
No.  
Amendment 302

Amendment to Section  
10. Article 11 of the  
Constitution. prohibi  
ting the credit of the State  
being given or loaned.

M  
Act. ~~214~~ 1478  
Referred to Com  
mittee on  
Legislative Dept.  
Geo. A. Thompson  
Asst Sec

Nov 11/91  
Reported back with  
Substitute Am to 301

Thornton  
Asst Sec

Legislative

120  
Mr. Thompson

Amend Section Ten Article Eleven  
of the Constitution so as to read  
as follows:

Section Ten. The credit of  
the State shall not in any man-  
ner be given or loaned to, or in aid  
of any individual, association or  
corporation directly or indirectly;  
nor pledge its faith and credit  
to, or in aid of any County, City,  
City and County, or town; neither  
shall the State directly or indi-  
rectly become a stockholder in  
any association or corporation.

303  
No.  
Amendment 303

Amendment to Article 11 of the Constitution providing a State Board of Equalization.

Oct. ~~14~~ 14/78

Referred to  
Comm on Legis-  
lation Dept  
Geo. A. Thornton  
Capt. Day

Nov 11/78  
Reported back with  
substitute am. to 301  
Thornton  
Arch. sec

Legislation

By  
Mr. Governor

Amend Article Eleven of  
the Constitution by adding a  
new Section to be known as  
Section Twenty-three and to  
read as follows:

Section Twenty-three. The  
Governor, Controller and Treas-  
urer shall constitute a State  
Board of Equalization with  
power to revise assessments  
made by County and District  
Assessors in such manner as  
may be prescribed by law.

304  
Amendment 304

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Jan. 25 1879  
Reported back with  
substitute amendment  
No. 535  
J. M. Wright  
Asst. Secretary

Corporation  
J. M. Wright

O'Donnell  
concerned  
corporation

Oct. 12  
Referred to  
Committee  
on  
Corporations  
Geo. A. Thompson  
Apr 18 71

Oct 19. 71  
Reported back & referred  
to Com on Remuneration  
Subjects

Thomson  
as is  
O'Donnell  
Referred to  
Corporation

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Sec

every association organized for banking  
purpose I shall keep on deposit with the  
State Treasurer, as security to actual  
depositors, bonds of the United States equal  
in amount of the total amount of deposits  
in said banking association

C. C. O'Donnell